
HOUSE BILL No. 1134

AM113434 has been incorporated into January 26, 2022 printing.

Synopsis: Education matters.

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Reprinted
January 26, 2022

Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1134

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-18-2-10.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2022]: **Sec. 10.5. (a) "Learning material"**
4 **means any material used for student instruction, including the**
5 **following:**
6 (1) **Textbooks and other printed materials.**
7 (2) **Audiovisual materials.**
8 (3) **Materials in electronic or digital formats, including**
9 **materials accessible through the Internet.**
10 (4) **Library materials.**
11 (5) **Student surveys.**
12 (6) **Syllabi.**
13 **(b) The term does not include:**
14 (1) **an academic test or assessment, scoring keys, or other test**
15 **or assessment data used in administering an academic test or**

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assessment that is directly related to measuring a student's academic performance in understanding a particular curricular subject matter, as prescribed by the department; or
(2) a lesson plan.

SECTION 2. IC 20-23-18-3, AS AMENDED BY P.L.147-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) Except as provided in subsection (c), the Muncie Community School Corporation is subject to all applicable federal and state laws.

(b) If a provision of this chapter conflicts with any other law, including IC 20-23-4, the provision in this chapter controls.

(c) Notwithstanding subsection (a), to provide all administrative and academic flexibility to implement innovative strategies, the Muncie Community School Corporation is subject only to the following IC 20 and IC 22 provisions:

(1) IC 20-26-5-10 (criminal history).

(2) IC 20-26-21 (personal analysis, evaluations, or surveys by third party vendors).

~~(2)~~ **(3)** IC 20-28-5-8 (conviction of certain felonies; notice and hearing; permanent revocation of license; data base of school employees who have been reported).

~~(3)~~ **(4)** IC 20-28-10-17 (school counselor immunity).

~~(4)~~ **(5)** IC 20-29 (collective bargaining) to the extent required by subsection (e).

~~(5)~~ **(6)** IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).

~~(6)~~ **(7)** The following:

(A) IC 20-30-5-0.5 (display of the United States flag; Pledge of Allegiance).

(B) IC 20-30-5-1, IC 20-30-5-2, and IC 20-30-5-3 (the constitutions of Indiana and the United States; writings, documents, and records of American history or heritage).

(C) IC 20-30-5-4 (system of government; American history).

(D) IC 20-30-5-5 (morals instruction).

(E) IC 20-30-5-6 (good citizenship instruction).

(8) IC 20-30-17 (learning management system).

~~(7)~~ **(9)** IC 20-32-4, concerning graduation requirements.

~~(8)~~ **(10)** IC 20-32-5.1, concerning the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program.

~~(9)~~ **(11)** IC 20-32-8.5 (IRead3).

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(12) IC 20-33-1.5 (dignity and nondiscrimination in education).

~~(10)~~ **(13)** IC 20-33-2 (compulsory school attendance).

~~(11)~~ **(14)** IC 20-33-8-16 (firearms and deadly weapons).

~~(12)~~ **(15)** IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).

~~(13)~~ **(16)** IC 20-33-7 (parental access to education records).

~~(14)~~ **(17)** IC 20-33-9 (reporting of student violations of law).

~~(15)~~ **(18)** IC 20-34-3 (health and safety measures).

~~(16)~~ **(19)** IC 20-35 (concerning special education).

~~(17)~~ **(20)** IC 20-39 (accounting and financial reporting procedures).

~~(18)~~ **(21)** IC 20-40 (government funds and accounts).

~~(19)~~ **(22)** IC 20-41 (extracurricular funds and accounts).

~~(20)~~ **(23)** IC 20-42 (fiduciary funds and accounts).

~~(21)~~ **(24)** IC 20-42.5 (allocation of expenditures to student instruction and learning).

~~(22)~~ **(25)** IC 20-43 (state tuition support).

~~(23)~~ **(26)** IC 20-44 (property tax levies).

~~(24)~~ **(27)** IC 20-46 (levies other than general fund levies).

~~(25)~~ **(28)** IC 20-47 (related entities; holding companies; lease agreements).

~~(26)~~ **(29)** IC 20-48 (borrowing and bonds).

~~(27)~~ **(30)** IC 20-49 (state management of common school funds; state advances and loans).

~~(28)~~ **(31)** IC 20-50 (concerning homeless children and foster care children).

~~(29)~~ **(32)** IC 22-2-18, before its expiration on June 30, 2021 (limitation on employment of minors).

(d) The Muncie Community School Corporation is subject to required audits by the state board of accounts under IC 5-11-1-9.

(e) Except to the extent required under a collective bargaining agreement entered into before July 1, 2018, the Muncie Community School Corporation is not subject to IC 20-29 unless the school corporation voluntarily recognizes an exclusive representative under IC 20-29-5-2. If the school corporation voluntarily recognizes an exclusive representative under IC 20-29-5-2, the school corporation may authorize a school within the corporation to opt out of bargaining allowable subjects or discussing discussion items by specifying the excluded items on the notice required under IC 20-29-5-2(b). The notice must be provided to the education employment relations board at the time the notice is posted.

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SECTION 3. IC 20-26-12-2, AS AMENDED BY P.L.233-2015,
SECTION 151, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2022]: Sec. 2. (a) A governing body may
purchase from a publisher any curricular material selected by the
proper local officials. The governing body may rent the curricular
materials to students enrolled in any public or nonpublic school that is:

- (1) in compliance with the minimum certification standards of
the state board; and
- (2) located within the attendance unit served by the governing
body.

The annual rental rate may not exceed twenty-five percent (25%) of the
retail price of the curricular materials.

(b) Notwithstanding subsection (a), the governing body may not
assess a rental fee of more than twenty-five percent (25%) of the retail
price of curricular materials that have been:

- (1) extended for usage by students under section ~~24(e)~~ **24(d)** of
this chapter; and
- (2) paid for through rental fees previously collected.

(c) This section does not limit other laws.

SECTION 4. IC 20-26-12-24, AS AMENDED BY P.L.216-2021,
SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2022]: Sec. 24. (a) The superintendent, after approval from
the governing body, shall establish procedures for adoption of
curricular materials.

(b) The governing body, after reviewing any recommendations
from:

- (1) the superintendent; and**
- (2) as applicable, a curriculum advisory committee
established under section 24.5 of this chapter;**

shall adopt curricular materials for use in teaching each subject in the
school corporation.

~~(c) A special committee of teachers and parents may also be
appointed to review books, magazines, and audiovisual material used
or proposed for use in the classroom to supplement state adopted
curricular materials and may make recommendations to the
superintendent and the governing body concerning the use of these
materials:~~

~~(d)~~ **(c)** The governing body may, if the governing body considers
it appropriate, retain curricular materials adopted under this section and
authorize the purchase of supplemental materials to ensure continued
alignment with academic standards adopted by the state board.

~~(e)~~ **(d)** The superintendent, advisory committee, and governing

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body may consider using the list of curricular materials provided by the department under IC 20-20-5.5.

(f) (e) A governing body may not purchase curricular materials from a publisher unless the publisher agrees, in accordance with Sections 612(a)(23)(A) and 674(e)(4) of the Individuals with Disabilities Education Improvement Act 2004 (20 U.S.C. 1400 et seq.), to provide or grant a license to the school corporation to allow for the reproduction of adopted curricular materials in:

- (1) large type;
- (2) Braille; and
- (3) audio format.

SECTION 5. IC 20-26-12-24.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 24.5. (a) The governing body of a school corporation may establish a curriculum advisory committee to:**

- (1) review, at the discretion of the committee, learning materials used or proposed for use by the school corporation and presentation content of guest speakers; and
- (2) as applicable, make recommendations to the superintendent and the governing body concerning the use of the learning materials.

(b) If the governing body of a school corporation establishes a curriculum advisory committee under subsection (a), the governing body shall appoint individuals, including parents and teachers, to serve as members of the curriculum advisory committee.

(c) If the governing body of a school corporation has not established a curriculum advisory committee under subsection (a), a parent of a student who is enrolled in the school corporation may request the governing body to:

- (1) determine the level of interest that:
 - (A) parents of students enrolled in the school corporation; and
 - (B) educators employed by the school corporation;

have in establishing a curriculum advisory committee; and
 (2) discuss establishing a curriculum advisory committee; at the next regularly scheduled meeting of the governing body.

(d) If a curriculum advisory committee has been established by the governing body of a school corporation under this section, a parent of a student who is enrolled in the school corporation may request that the committee review specific:

- (1) learning material, including textbooks or other materials

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1 used for social-emotional learning; and

2 (2) presentation content of guest speakers.

3 The committee shall provide a response to a request by a parent
4 under this subsection.

5 (e) Not later than November 30, 2022, the department shall
6 prepare and submit to the general assembly in an electronic format
7 under IC 5-14-6 a report concerning the number of governing
8 bodies that have established:

9 (1) a committee described in subsection (a); or

10 (2) any other committee to review the adoption of textbooks
11 and other curricular material.

12 This subsection expires January 1, 2023.

13 SECTION 6. IC 20-26-21 IS ADDED TO THE INDIANA CODE
14 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2022]:

16 Chapter 21. Personal Analysis, Evaluations, or Surveys by
17 Third Party Vendors

18 Sec. 1. As used in this chapter, "qualified school" means the
19 following:

20 (1) A school maintained by a school corporation.

21 (2) A charter school.

22 (3) A laboratory school established under IC 20-24.5-2.

23 (4) The Indiana School for the Blind and Visually Impaired
24 established by IC 20-21-2-1.

25 (5) The Indiana School for the Deaf established by
26 IC 20-22-2-1.

27 Sec. 2. (a) This section does not apply to the following:

28 (1) An academic test or assessment.

29 (2) A career aptitude or career interest survey.

30 (b) If a school corporation or qualified school uses a third
31 party vendor in providing a personal analysis, evaluation, or
32 survey that reveals, identifies, collects, maintains or attempts to
33 affect a student's attitudes, habits, traits, opinions, beliefs, or
34 feelings, the third party vendor and the school corporation or
35 qualified school may not record, collect, or maintain the responses
36 to or results of the analysis, evaluation, or survey in a manner that
37 would identify the responses or results of an individual student.

38 (c) A school corporation or qualified school and a third party
39 vendor may record, collect, and maintain responses to or results of
40 an analysis, evaluation, or survey described in subsection (b) in a
41 manner that would identify an individual student if the parent of
42 the student or the student, if the student is an adult or emancipated

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minor, provides written consent to the school corporation or qualified school for the recording, collecting, or maintaining of the student's responses or results.

Sec. 3. A parent of a student or a student, if the student is an adult or emancipated minor, who is enrolled in a qualified school may submit a complaint for a violation of this chapter under the grievance procedure maintained by the qualified school in accordance with IC 20-33-1.5-5.

Sec. 4. The department shall:

(1) develop guidance materials for school corporations and qualified schools to assist school corporations and qualified schools in implementing this chapter; and

(2) post the guidance materials on the department's Internet web site.

SECTION 7. IC 20-28-10-17, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 17. (a) Except as provided in IC 31-32-11-1 and subject to IC 20-34-3-27, a school counselor is immune from disclosing privileged or confidential communication made to the counselor as a counselor by a student.

(b) Except as provided in IC 31-32-11-1 and subject to IC 20-34-3-27, the matters communicated are privileged and protected against disclosure.

SECTION 8. IC 20-30-5-6, AS AMENDED BY P.L.246-2005, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) This section applies only to public schools.

(b) As used in this section, "good citizenship instruction" means integrating instruction into the current curriculum that stresses the nature and importance of the following:

- (1) Being honest and truthful.**
- (2) Respecting authority.**
- (3) Respecting the property of others.**
- (4) Always doing the student's personal best.**
- (5) Not stealing.**
- (6) Possessing the skills (including methods of conflict resolution) necessary to live peaceably in society and not resorting to violence to settle disputes.**
- (7) Taking personal responsibility for obligations to family and community.**
- (8) Taking personal responsibility for earning a livelihood.**
- (9) Treating others the way the student would want to be treated.**

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(10) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.

(11) Respecting the student's parents and home.

(12) Respecting the student's self.

(13) Respecting the rights of others to have their own views and religious beliefs.

(14) Understanding how the ideals and values expressed or enumerated in the Constitution of the United States and the economic and political institutions of the United States have contributed towards human advancement, prosperity, scientific inquiry, and well-being.

(15) Individual rights, freedoms, and political suffrage.

(c) The department shall:

(1) identify; and

(2) make available;

models of conflict resolution instruction to school corporations. The instruction may consist of a teacher education program that applies the techniques to the students in the classroom to assist school corporations in complying with this section.

SECTION 9. IC 20-30-5-17, AS AMENDED BY P.L.154-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 17. (a) **As used in this section, "qualified school" has the meaning set forth in IC 20-26-21-1.**

(b) Each school corporation **or qualified school** shall make available for inspection by the parent of a student any instructional materials, including teachers' manuals, curricular materials, films or other video materials, tapes, and other materials, used in connection with:

(1) a personal analysis, an evaluation, or a survey described in subsection ~~(b)~~; **(c)**; or

(2) instruction on human sexuality.

~~(b)~~ **(c)** A student shall not be required to participate in a personal analysis, an evaluation, or a survey **that is not directly related to academic instruction and that directly** reveals or attempts to affect the student's attitudes, habits, traits, opinions, beliefs, or feelings concerning:

(1) political affiliations;

(2) religious beliefs or practices;

(3) mental or psychological conditions that may embarrass the student or the student's family;

(4) sexual behavior or attitudes;

(5) illegal, antisocial, self-incriminating, or demeaning behavior;

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(6) critical appraisals of other individuals with whom the student has a close family relationship;

(7) legally recognized privileged or confidential relationships, including a relationship with a lawyer, minister, or physician; or

(8) income (except as required by law to determine eligibility for participation in a program or for receiving financial assistance under a program);

without the prior **written** consent of the student if the student is an adult or an emancipated minor or the prior written consent of the student's parent if the student is an unemancipated minor. A parental consent form for a personal analysis, an evaluation, or a survey described in this subsection shall accurately reflect the contents and nature of the personal analysis, evaluation, or survey.

~~(c)~~ **(d)** Before a **qualified** school may provide a student with instruction on human sexuality, the **qualified** school must provide the parent of the student or the student, if the student is an adult or an emancipated minor, with a written request for consent of instruction. A consent form provided to a parent of a student or a student under this subsection must accurately summarize the contents and nature of the instruction on human sexuality that will be provided to the student and indicate that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the instruction on human sexuality. The written consent form may be sent in an electronic format. The parent of the student or the student, if the student is an adult or an emancipated minor, may return the consent form indicating that the parent of the student or the adult or emancipated student:

(1) consents to the instruction; or

(2) declines instruction.

If a student does not participate in the instruction on human sexuality, the **qualified** school shall provide the student with alternative academic instruction during the same time frame that the instruction on human sexuality is provided.

~~(d)~~ **(e)** If the parent of the student or the student, if the student is an adult or an emancipated minor, does not respond to the written request provided by the **qualified** school under subsection ~~(c)~~ **(d)** within twenty-one (21) calendar days after receiving the request under subsection ~~(c)~~ **(d)**, the school shall provide the parent of the student, or the student, if the student is an adult or an emancipated minor, a written notice requesting that the parent of the student, or the student, if the student is an adult or an emancipated minor, indicate, in a manner prescribed by the **qualified** school, whether the parent of the

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student or the adult or emancipated student:

- (1) consents to the instruction; or
- (2) declines instruction.

A notice provided to a parent of a student or a student under this subsection must accurately summarize the contents and nature of the instruction on human sexuality that will be provided to the student and indicate that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the instruction on human sexuality. The notice may be sent in an electronic format. If the **qualified** school does not receive a response within ten (10) days after the notice, the student will receive the instruction on human sexuality unless the parent or the adult or emancipated student subsequently opts out of the instruction for the student.

~~(e)~~ **(f)** The department and the governing body **of a school corporation, or its equivalent for a qualified school**, shall give parents and students notice of their rights under this section.

~~(f)~~ **(g)** The governing body **of a school corporation, or its equivalent for a qualified school**, shall enforce this section.

SECTION 10. IC 20-30-17 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 17. Learning Management System

Sec. 1. As used in this chapter, "qualified school" has the meaning set forth in IC 20-26-21-1.

Sec. 2. (a) Each qualified school shall, not later than July 1, 2023, use a web based learning management system that:

- (1) is used by each teacher of the qualified school;**
- (2) is accessible by each parent of a student and each student enrolled in the qualified school; and**
- (3) allows a parent and student described in subdivision (2) to, through the learning management system, contact the teacher of each course, class, or program in which the student is enrolled.**

(b) A teacher or other employee of a qualified school shall allow a parent to review any learning material requested by a parent of a student enrolled in the qualified school.

Sec. 3. Nothing in this chapter requires a qualified school to provide information described in section 2 of this chapter in a manner that would constitute an infringement of copyright under the federal Copyright Act, 1017 U.S.C. 101 through 1332.

SECTION 11. IC 20-33-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2022]:

Chapter 1.5. Dignity and Nondiscrimination in Education

Sec. 1. As used in this chapter, "qualified school" has the meaning set forth in IC 20-26-21-1.

Sec. 2. As used in this chapter, "state agency" has the meaning set forth in IC 4-13-1.4-2.

Sec. 3. (a) In accordance with IC 20-33-1-1, a school corporation or qualified school:

(1) shall not promote as part of a course of instruction or in a curriculum or instructional program the concept that any sex, race, ethnicity, religion, color, or national origin is inherently superior or inferior to another sex, race, ethnicity, religion, color, or national origin;

(2) shall not promote as part of a course of instruction or in a curriculum or instructional program the concept that an individual should be treated adversely or preferentially because of the individual's sex, race, ethnicity, religion, color, or national origin; and

(3) shall not promote as part of a course of instruction or in a curriculum or instructional program the concept that an individual, by virtue of sex, race, ethnicity, religion, color, or national origin, is inherently responsible for actions committed in the past by other members of the same sex, race, ethnicity, religion, color, or national origin.

(b) A school corporation or qualified school shall not allow teachers or other employees of the school corporation or qualified school to use supplemental materials in a course of instruction or in a curriculum or instructional program to promote the concepts listed in subsection (a).

Sec. 4. A school corporation or qualified school may not do the following:

(1) Provide, contract to provide, offer, or sponsor any course that promotes practices prohibited under this chapter. This subdivision includes programs, curricular materials, instructional materials, curriculum, classroom assignments, orientation, interventions, or counseling offered by a state agency.

(2) Use money, property, assets, or resources for a purpose that promotes practices prohibited under this chapter.

(3) Adopt programs or use curricular material, instructional material, curriculum, classroom assignments, orientation, interventions, or counseling that promote practices



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prohibited under this chapter. This subdivision includes curricular materials, instructional materials, curriculum, classroom assignments, orientations, interventions, or counseling offered by a state agency.

(4) Execute a contract or agreement with an internal or external entity or person to provide services, training, professional development, or any other assistance that promotes practices prohibited under this chapter. This subdivision includes contracts to provide services, training, professional development, or any other assistance with a state agency.

(5) Receive or apply to receive money that requires, as a condition of receipt of the money, the adoption of a course, policy, curriculum, or any other instructional material that promotes practices prohibited under this chapter. This subdivision includes money received from a state agency.

Sec. 5. Nothing in this chapter shall be construed to exclude the teaching or discussion of factual history or historical injustices committed against any sex, race, ethnicity, religion, color, or national origin, including the teaching and discussion of curriculum required under IC 20-30-5-7.

Sec. 6. (a) If a parent of a student or student, if the student is an adult or emancipated minor, of a qualified school has a complaint regarding:

(1) the use or proposed use of specific learning material in the classroom; or

(2) an alleged violation of this chapter;

by a teacher, the parent or student, if the student is an adult or emancipated minor, shall request a meeting with the teacher to discuss the complaint.

(b) If a parent or student described in subsection (a) is not satisfied with the resolution of the meeting with a teacher under subsection (a), the parent or student may submit a complaint through the grievance procedure maintained by the qualified school under section 7 of this chapter.

Sec. 7. (a) Each school corporation or qualified school shall establish and maintain a grievance procedure for the resolution of a complaint submitted by a parent of a student or student, if the student is an adult or emancipated minor, for the following:

(1) A complaint described in section 6 of this chapter if the parent or student is not satisfied with the resolution of the meeting with the teacher under section 6 of this chapter.



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- 1 (2) A violation of IC 20-26-21 or this chapter.
- 2 (b) A grievance procedure under this section must include a
- 3 complaint form that a parent or student described in subsection (a)
- 4 may submit to the qualified school for a complaint described in
- 5 subsection (a).
- 6 (c) A qualified school shall post the following on the qualified
- 7 school's Internet web site:
- 8 (1) The grievance procedure established by the school
- 9 corporation or qualified school under subsection (a).
- 10 (2) The complaint form described in subsection (b).
- 11 Sec. 8. (a) If a parent or student described in section 7(a) of
- 12 this chapter is not satisfied with the final decision by a school
- 13 corporation or qualified school regarding a complaint submitted
- 14 under section 7 of this chapter, the parent or student may submit
- 15 a request to the department, on a form prescribed by the
- 16 department, to review the complaint and decision.
- 17 (b) The department shall review the request submitted under
- 18 subsection (a) and issue a final order not later than thirty (30) days
- 19 after the date that the department receives the request.
- 20 Sec. 9. The department shall:
- 21 (1) develop guidance materials for school corporations and
- 22 qualified schools to assist school corporations and qualified
- 23 schools in implementing this chapter; and
- 24 (2) post the guidance materials on the department's Internet
- 25 web site.
- 26 SECTION 12. IC 20-34-3-27 IS ADDED TO THE INDIANA
- 27 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 28 [EFFECTIVE JULY 1, 2022]: Sec. 27. (a) As used in this section,
- 29 "provider" means the following:
- 30 (1) A psychologist licensed under IC 25-33.
- 31 (2) A social worker or clinical social worker licensed under
- 32 IC 25-23.6.
- 33 (3) A school psychologist.
- 34 (b) As used in this section, "qualified school" has the meaning
- 35 set forth in IC 20-26-21-1.
- 36 (c) This section does not apply to the following:
- 37 (1) Transitional services as described in 34 CFR 300.320(b)
- 38 that are part of a student's individualized education
- 39 program.
- 40 (2) A student who is an adult or emancipated minor.
- 41 (3) The daily interactions between a teacher or other
- 42 employee of a qualified school and a student.

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(d) Before a provider at a qualified school or an employee of a qualified school may provide a student with ongoing or recurring consultation, collaboration, or intervention services for mental, social-emotional, or psychological health issues, the provider or employee shall attempt to contact the parent by telephone to notify the parent that the provider or employee will be sending the following to the parent:

(1) Information that includes the following:

(A) A description of the services that the provider or employee intends to provide to the student.

(B) The reason that the provider or school employee is requesting to provide the services to the student.

(C) A statement that if the parent:

(i) returns a signed consent form; or

(ii) fails to return a signed consent form within the time periods established under subsections (f) and (g) and does not opt the student out of services;

the provider or employee is allowed to provide the services to the student.

(2) A parental consent form for the provision of the services.

(e) A provider or employee described in subsection (d) shall send, through the United States mail or by electronic means, the information and form described in subsection (d).

(f) If a parent of a student does not return the consent form to the qualified school indicating that the parent consents to the services described in subsection (d) within:

(1) five (5) business days after the date the provider or employee sent the information and consent form if the provider or employee sent the information and form by electronic mail; or

(2) ten (10) business days after the date the provider or employee sent the information and consent form if the provider or employee sent the information and form through the United States mail;

the provider or employee shall subsequently send, through the United States mail or by electronic means, the information and a second consent form to the parent.

(g) Except as provided under subsection (i) and unless parental consent is otherwise required under state or federal law, if a parent of a student does not return the second consent form to the qualified school indicating that the parent consents to the services described in subsection (d) within:

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(1) two (2) business days after the date the provider or employee sent the information and consent form if the provider or employee sent the information and form by electronic mail; and

(2) five (5) business days after the date the provider or employee sent the information and consent form if the provider or employee sent the information and form through United States mail;

the provider or employee may provide the services described in the information that the provider or employee sent to the parent.

(h) If a parent of a student returns a signed consent form under this section, the provider or employee may provide to the student the services described in the information that the provider or employee sent to the parent.

(i) A provider or employee may not provide services described under subsection (d) to a student if the parent of the student opts the student out of the services, including if a parent subsequently opts out of services for the student after consenting to the services or not responding to the notices under this section.

(j) Nothing in this section may be construed to:

(1) require a qualified school to obtain parental consent before providing an emergency response:

(A) in a crisis situation in which a provider or employee described in subsection (d) reasonably believes that the student is in immediate danger of harming the student or another person; or

(B) without which, the student is in danger of experiencing abuse or neglect by the parent of the student; or

(2) authorize a provider at a qualified school or an employee of a qualified school to:

(A) provide services or otherwise act in a manner that would violate a state or federal law or regulation; or

(B) practice outside the scope of the provider's or employee's license.

(k) The department shall:

(1) develop guidance materials for qualified schools to assist qualified schools in implementing this section; and

(2) post the guidance materials on the department's Internet web site.

SECTION 13. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign to an appropriate interim



- 1 study committee the task of studying the following:
- 2 (1) The provision of services for mental, social-emotional, or
- 3 psychological health issues in public schools by licensed
- 4 psychologists, school psychologists, social workers, or other
- 5 employees of public schools.
- 6 (2) Parental consent regarding the provision of services
- 7 described in subdivision (1).
- 8 (b) This SECTION expires January 1, 2023.
- 9 SECTION 14. An emergency is declared for this act.

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